

SUMMARY

Over 16 years of experience serving public and private organizations and associations, with proven results in helping clients to successfully navigate difficult conversations in order to prevent and resolve internal workplace problems. Provides neutral intervention to enhance organizational performance through improved communication and conflict competency among coworkers. Expertise as an attorney in gathering facts, evaluating legal issues, and presiding over quick, effective dispute resolution when appropriate.

PROFESSIONAL HISTORY

Clark Legal Solutions PC: Conflict Management, Prevention and Resolution Services

David P. Clark, Principal,

2001-

Present

Full-time private practice offering a portfolio of services for managing, preventing, and resolving workplace problems, including the following:

- **Administrative Judge**, Personnel Appeals Board (PAB), U.S. Government Accountability Office (GAO): Appointed by the Comptroller General of the United States to serve a 5-year term (ending 2019) as one of five Members of the PAB, an independent body charged with protecting against potential or perceived conflicts of interest arising from the GAO's oversight of the executive branch. Duties include adjudication of matters in areas of employee relations, equal employment opportunity, and labor relations, pursuant to the same laws, rules, and regulations applied by the Equal Employment Opportunity Commission, Federal Labor Relations Authority, Merit Systems Protection Board, and Office of Special Counsel. **Additional experience** as Judge/Hearing Examiner: Contract Judge for the U.S. Equal Employment Opportunity Commission (2010-2012) and District of Columbia Office of Human Rights (2005-2013), adjudicating claims of discrimination filed by employees and applicants for employment with the EEOC and the District of Columbia government. Decided pre-hearing motions, managed hearings, and rendered decisions based on testimony, pleadings, and other record evidence. **Subject matter expertise** includes discrimination based on race, gender, religion, age, national origin, sexual orientation, and disability; collective bargaining; and administrative law.
- **Arbitrator**: Member of arbitration panels of the American Arbitration Association, Federal Mediation and Conciliation Service, and Financial Industry Regulatory Authority. Issued binding written decisions in over 70 arbitration matters in areas pertaining to: employment discrimination, collective bargaining, administrative regulations, and commercial contracts. **Parties include** representatives of public and private sector organizations and their labor associations, contractors, and employees.
- **Facilitator and Mediator**: Serve as an impartial, neutral, problem-solving facilitator for a wide variety of interpersonal and organizational issues, in both informal and formal settings, in over 600 mediated cases. **Clients include** Fortune 500 companies, labor associations, government agencies, and local businesses. Areas of expertise are facilitated dialogue, interest-based bargaining, mediation of legal complaints, and Ombuds intervention for organizations.
- **Conflict Management, Systems Design and Training**: Through ADR Vantage, Inc., a management consulting firm based in Washington, D.C., which focuses on organizational change, leadership development, and strategic planning, serve as a mediator, facilitator, trainer, and Alternative Dispute Resolution ("ADR") Manager, for such clients as United Parcel Service, Federal Deposit Insurance Corporation, U.S. Department of Homeland Security, and U.S.

Department of Agriculture. Also responsible for recruiting, developing and managing ADR Vantage's national roster of conflict management professionals and assigning work to neutral contractors across the country. Consult with clients' management to ensure appropriate intervention of neutrals and consistency of service with organizational goals.

American University Washington College of Law, Washington, D.C.

Adjunct Professor of Law

January 2006-

Present

Title of Law Course: "Lawyer Bargaining." Introduce law students to ADR systems and functions. Lecture on the Interest Based Bargaining ("IBB") approach to negotiation outlined in the seminal text, "Getting to Yes." Through the use of role plays and other simulations, provide skills training to law students in IBB as well as traditional distributive bargaining techniques and practices. Emphasis on client-centered practice, active listening, and advocacy of lawyers during negotiations. Teach students to understand mediation as one of several approaches to negotiation, while emphasizing the importance of mediator confidentiality and client self-determination.

Federal Labor Relations Authority (FLRA), Washington, D.C.

Attorney and ADR Manager.

1998-

2001

Adviser to presidential-appointed Member of federal agency charged with appellate review of legal cases involving the federal government and its employees. Cases concerned, among other things, collective bargaining, administrative law and regulations, civil rights, and sovereign immunity. Mediated settlements of lawsuits prior to litigation. Drafted appellate decisions, presented oral arguments, and made recommendations to presidential appointees. From 2000 to 2001, managed FLRA's Collaboration and Alternative Dispute Resolution Office, including development and implementation of program for mediating and facilitating settlement of lawsuits. Designed and led conflict resolution training.

EDUCATION

Washington College of Law, American University, Washington, D.C.

Juris Doctor, 1997

School of International Service, American University, Washington, D.C.

Master of Arts, International Law and Organizations, 1997

Specialization: Conflict Resolution

University of Richmond, Richmond, Virginia

Bachelor of Arts, Double Major, Philosophy and English Literature. *Cum Laude*, 1992

BAR MEMBERSHIPS AND CERTIFICATION

Law	Member, Bar Associations of New York, New Jersey, and the District of Columbia
Mediator	Supreme Court of Commonwealth of Virginia

ARBITRATION ROSTERS

American Arbitration Association Labor Panel

D.C. Bar Association

D.C. Better Business Bureau

D.C. Public Employee Relations Board

Federal Mediation and Conciliation Service

National Mediation Board

Financial Industry Regulatory Authority

PERMANENT ARBITRATOR PANELS

Social Security Administration/AFGE National Panel
Washington Gas /IBT Local 96

MEDIATION ROSTERS

American Arbitration Association Employment Mediation Panel
United States Congress Office of Compliance
ADR Vantage, Inc.
Community Dispute Resolution Center, Washington, D.C.
D.C. Bar Association
D.C. Office of Human Rights

PUBLICATIONS

"How an Ombuds Can Foster Collaboration and Reduce Risk," *Corporate Counsel Magazine*, May 18, 2013.

"The Role of the Ombuds in a Knowledge-Intensive Corporation: A Partner for Conflict Prevention and Mitigation," *Washington College of Law Digital Commons*, July 02, 2013.

PUBLISHED ARBITRATION AWARDS AND DECISIONS ON APPEAL

Healthcare Services Group, Inc. and SEIU, United Healthcare Workers East, 132 Lab. Arb. Rep. (BNA) 830 (2013);

Dep't of the Navy, NAVFAC and AFGE, Local 1923, 132 Lab. Arb. Rep. (BNA) 430 (2013);

Healthcare Services Group Inc. and Service Employees Healthcare Pennsylvania, 131 Lab. Arb. Rep. (BNA) 975 (2013);

Mayeske v. Dep't of the Navy, No. 2011-3167 (Fed. Cir. April 17, 2012)
<http://www.ca9.uscourts.gov/images/stories/opinions-orders/11-3167.pdf>

U.S. Dep't of Labor, Bureau of Labor Statistics v. AFGE, Local 12, 65 FLRA 651 (2011)
<http://flra.gov/decisions/v65/65-140.html>

Additional cases published under Arbitrator Clark's name at Westlaw.

PROFESSIONAL AFFILIATIONS

Member, Alternative Dispute Resolution Committee of the Litigation Section of the D.C. Bar Association (2012-present)
Former Member of the Board of Directors, District of Columbia Bar Association Attorney/Client

Arbitration Board (2005-2011)

Former Member of the Board of Directors, D.C. Chapter of Association for Conflict Resolution (2002-2009)